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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,050	10/05/2001	Mark L. Waechter	213828022US1	3857
25096	7590	08/10/2005	EXAMINER	
PERKINS COIE LLP			MCALLISTER, STEVEN B	
PATENT-SEA			ART UNIT	
P.O. BOX 1247			PAPER NUMBER	
SEATTLE, WA 98111-1247			3627	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/972,050

Applicant(s)

WAECHTER, MARK L.

Examiner

Steven B. McAllister

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 10-19 and 21-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Note Regarding Examination

In the prior Office Action, the examiner cited certain subject as “notoriously old and well known in the art”. Applicant must traverse such an assertion in the subsequent reply to the office action per MPEP 2144.03(c). Since the applicant has not traversed the “old and well known” statements in the subsequent reply, the examiner considers the “old and well known” statements to be admitted prior art, as required by MPEP 2144.03(c).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites providing at least one control signal “to control a quiescent voltage level of the coin signals ... by controlling amplitudes and frequencies of the coin signals”. As understood by the examiner, the invention does not broadly control the amplitude and frequencies of the coin signals, but controls the amplitude and frequency of the oscillators, and via that control each quiescent voltage level. The amplitudes and frequencies of the coin signals generally depend on the absence or presence, and type of object adjacent the inductors.

Also, as understood by the examiner, the "voltage level" refers to a magnitude of the voltage and not to a frequency and it does not appear that controlling the frequency controls the magnitude.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayes et al in view of Hutchinson et al (6,398,001).

Hayes et al show all elements of claims 1 and 3 except that the signals represent size and composition and that the control signals control the oscillator (and therefore quiescent signal) frequencies. Hutchinson et al show that the signals represent size and composition. It would have been obvious to one of ordinary skill in the art to modify the apparatus of Hayes by providing for detecting size and composition in order to facilitate easy discrimination of coins. As to controlling the frequencies of the oscillators and quiescent signals, it is notoriously old and well known in the art to provide at least one signal to control the frequencies. It would have been obvious to modify the apparatus of Hayes by providing such a signal in order to maintain the frequency since the frequency variations are used in determining the identity of a coin.

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As to claim 2, Hayes et al in view of Hutchinson et al show low frequency and high frequency signals representing at least one physical characteristic.

As to claims 5 and 6, Hayes et al in view of Hutchinson et al show detecting an out of range value of the frequency signal and providing the claimed feedback.

Alternatively, Hayes et al in view of Hutchinson et al show all elements except the particular feedback mode. However, to adjust the output voltage as claimed is notoriously old and well known in the art. It would have been obvious to one of ordinary skill to do so in order to provide accurate output.

As to claim 7, Hayes et al in view of Hutchinson et al show all elements except the particular monitoring interval. However, it is notoriously old and well known in the art to monitor at any convenient interval, including 200 milliseconds. It would have been obvious to one of ordinary skill in the art to do so in order to ensure that the system calibration is constantly updated.

As to claim 8, Hayes et al in view of Hutchinson et al show all elements except the particular signal voltage. However, it is notoriously old and well known in the art to provide a signal at any convenient voltage, including 4.5 volts. It would have been obvious to one of ordinary skill in the art to do so in order to use a voltage that is easily compatible with integrated circuits.

As to claim 9, Hayes et al in view of Hutchinson et al show all elements.

As to claim 20, Hayes et al show all elements except that the control signals control and therefore quiescent signal frequencies. Hutchinson et al show that the

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signals represent size and composition. However, it is notoriously old and well known in the art to provide at least one signal to control the frequencies. It would have been obvious to modify the apparatus of Hayes by providing such a signal in order to maintain the frequency since the frequency variations are used in determining the identity of a coin.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 5/20/2005 have been fully considered but they are not persuasive. Applicant argues that Hayes does not in any way rely on frequency in making its determination of whether to accept or reject a coin, and that therefore any teaching regarding the calibration of the frequency is irrelevant.

The examiner respectfully disagrees. Fig. 6 shows a process of determining and storing means, minimums and maximums for the voltage magnitudes and the voltage frequencies (both high and low frequency). Fig. 7 shows a process using this stored information along with measurements of frequency and magnitude for the particular coin being examined to determine the identity and validity of the coin. It is noted that frequency as well as magnitude of signal voltage is used for making this determination. Therefore, the quality of the frequency term is relevant to the system and method of Hayes.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is 571-272-6785. The examiner can normally be reached on M-Th 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Steven B. McAllister
Primary Examiner
Art Unit 3627


Steven B. McAllister

STEVE B. MCALLISTER
PRIMARY EXAMINER